

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

MICHAEL HALE,)	
)	
Petitioner,)	
)	
v.)	CAUSE NO. 3:17-CV-677-PPS-MGG
)	
WARDEN,)	
)	
Respondent.)	

OPINION AND ORDER

Michael Hale, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in ISP 17-03-337 where a Disciplinary Hearing Officer (DHO) at the Indiana State Prison found him guilty of disorderly conduct in violation of B-236 on March 28, 2017. ECF 1, ECF 6-3 at 1. As a result, Hale was sanctioned with the loss of 30 days earned credit time. *Id.*

After Hale filed his petition, the finding of guilt and sanctions were vacated. ECF 6-7. The Warden has filed a motion to dismiss because this case is now moot. ECF 6. Hale did not file a response and the time for doing so has passed. *See* N.D. Ind. L. Cr. R. 47-2. Regardless, I cannot overturn the disciplinary proceeding and restore his time because the Indiana Department of Correction has already vacated the proceeding and restored his time. That is to say, Hale has already won and there is no case left for this court to decide. Accordingly, this case must be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of

his confinement).

Accordingly, the motion (ECF 6) is **GRANTED** and the case is **DISMISSED**.

The clerk is **DIRECTED** to close this case.

SO ORDERED.

ENTERED: January 8, 2018.

/s Philip P. Simon
Judge
United States District Court